

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Javan Frederick Mays,

Plaintiff,

vs.

Bryan Sterling, S.C.D.C. Director,

Defendant.

C/A No. 4:20-cv-2176-JFA-TER

**ORDER**

Javan Frederick Mays, (“Plaintiff”) a self-represented state prisoner, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights and seeks monetary damages. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for pretrial proceedings.

On August 3, 2020, Plaintiff’s second amended complaint was entered on the docket. (ECF No. 10). Defendants McMaster and SCDC were dismissed by court order on December 14, 2020. (ECF No. 40). On May 7, 2021, Defendant Sterling filed a motion for summary judgment along with a memorandum and exhibits in support. (ECF No. 72). Additionally, Sterling filed a supplement to the motion on May 17, 2021. (ECF No. 80). The Magistrate Judge issued an order on May 10, 2021, pursuant to *Roseboro v. Garrison*, 528 F.2d (4th Cir. 1975), advising Plaintiff of the motion and the possible consequences if he failed to respond adequately. (ECF No. 73). Plaintiff failed to file a response.

After reviewing the motions and responses thereto, the Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”). (ECF No. 85). Within the Report, the Magistrate Judge opines that this action should be dismissed with prejudice in accordance with Federal Rule of Civil Procedure 41. *Id.* The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation. *Id.*

Plaintiff was advised of his right to object to the Report, which was entered on the docket on July 28, 2021. *Id.* The Magistrate Judge required objections, if any, to be filed by August 11, 2021. *Id.* Plaintiff failed to file objections or otherwise respond to the motion for summary judgment. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific provisions of the Magistrate Judge’s Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate’s Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report

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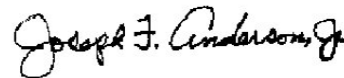
<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

and prior orders indicates that the Magistrate Judge correctly concluded that this case should be dismissed with prejudice pursuant to Rule 41.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrates Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 85). Consequently, this matter is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). Given this dismissal all other pending motions are now moot.

IT IS SO ORDERED.

September 14, 2021  
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.  
United States District Judge